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**File No.** O.C.S. Class & Recruit/42

Legal **DEPARTMENT**

A **BRANCH**

**K**

**Subject:—**

Opinions under the Bombay Civil Services classification and Recruitment Rules

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| 1. | R.I.No.1961/24/2/42<br>O.No.2706/26/3/42 | Rule 3(a) of the rules in App I-<br>Question whether certificates of domicile issued by a Magistrate will be binding on Govt. | 1-4 |

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Submitted.

2. Please see R.L.A.'S opinion No.9960,dated 19-11-41 and E.D. office note at P.ante. Since the R.L.A. gave his opinion it appears that the note to rule 3(d) and the rules in Appendix I as proposed by Govt. in G.R.,P.&S.D. No.1586/34-III dated 1-11-1940 have been incorporated in the Bombay Civil Services Classification and Recruitment Rules, 1939. The E.D. is of the view that as these rules acquire a statuory effect after incorporation in the main rules, any certificates of domicile issued by a Magistrate will be binding on Government. The R.L.A. is requested to advise whether this view is correct.

3. The certificates of domicile referred to by the D.P.I. at PP. 1&2 ante, were issued by the Magistrates prior to the incorporation of the note to rule 3(d) and the Rules in Appendix I in the Bombay Civil Services Recruitment Rules, 1939. The position on the certificates of domicile issued prior to incorporation of these amendments in the main rules will not therefore be changed. The view already expressed by the R.L.A in his opinion No.9960,dated 19-11-41 will therefore still apply in this case. The certificates will not therefore in law have any binding force as against Govt. Rule 10 of the Rules in Part I of Appendix I to the said Rules gives very wide powers to Govt. and it is open to Govt. to reject any such certificates issued after the incorporation of amendments in the Rules

in the Rules if it appears that the candidate has in fact no domicile in the Province. within the meaning of rule 3(d) of the Rules.

Sd/-
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A.S. Since the note to rule 3(d) and the rules in the Appendix I have been incorporated in the Bombay Civil Services Classification and Recruitment Rules, 1939 a domicial certificate obtained by a candidate from the D.M.,C.P.M. or a stipendiary Magistrate authorised by the C.P.M. under rule 1 of part III in Appendix I would ordinarily be acceptable unless its validity is questioned or doubted in which case the decision thereon of Govt. would be final under rule 10 of part I of in Appendix I A.

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U.R.to P.& S.D. No, 2708 Dated 26-3-1942.

M.R.D.
10/4/56

Office of the R.L.A.

Since the note to rule 3(d) and the rules in the Appendix I have been incorporated in the Bombay Civil Services Classification and Recruitment Rules, 1939, a domicile certificate obtained by a candidate from the District Magistrate, Cheif Presidency Magistrate or a Stipendiary Magistrate authorized by the Chief Presidency Magistrate under rule 1 of Part III in Appendix I would ordinarily be acceptable unless its validity i questioned or doubted in which case the decision thereon of Government would be final under rule 10 of Part I in Appendix I.

Sd/-
24/3/

Remembrancer of Legal Affairs.

, U.M. to P.&S.D. ,No 2708,dated the 26th March 1942.

M.R.)
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